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JUN 22 2005

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| Examiner Konata George<br>USPTO | 571-272-0613 | 571-273-3300 |


**From :** Courtenay C. Brinckerhoff**Date :** June 22, 2005**Client/Matter No :** 025217-0121**US Serial No.** 10/644,085**User ID No :** 0801**MESSAGE:****RECEIVED  
OIPE/IAP****ATTACHED FOR FILING ARE THE FOLLOWING DOCUMENTS:**

JUN 29 2005

1. Letter (1 page)
2. Terminal Disclaimer with Exhibits A and B (15 pages)

I hereby certify that these papers are being facsimile transmitted to Examiner George, at USPTO, on this date.

June 22, 2005

  
 Amy D. Mason  
 Secretary for Courtenay C. Brinckerhoff

*Central fax  
received 6/28/05*

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**CONFIDENTIALITY NOTICE:** THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 025217-0121

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Nora Yat Knork CHEW, et al.

Title: TOPICAL DELIVERY OF  
ANTIFUNGAL AGENTS

Appl. No.: 10/644,085

Filing Date: 08/20/2003

Examiner: Konata George

Art Unit: 1616

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**LETTER**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a corrected Terminal Disclaimer to replace the Terminal Disclaimer that was filed January 25, 2005. The corrected Terminal Disclaimer corrects a typographical error on page 1 which listed U.S. Patent No. 6,299,900 incorrectly as "6,299,600." (The correct patent number was listed elsewhere in the original terminal disclaimer and the corresponding U.S. patent application serial number was correctly listed throughout the original Terminal Disclaimer.)

It is believed that no fee is due, but if a fee is required please treat this paragraph as a request and authorization to charge the fee to Deposit Account No. 19-0741.

Respectfully submitted,

Date

22 June 2005

By

S. A. BentFOLEY & LARDNER LLP  
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JUN 22 2005

Atty. Dkt. No. 025217-0121

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Nora Yat Knork CHEW, et al.  
Title: TOPICAL DELIVERY OF  
ANTIFUNGAL AGENTS  
Appl. No.: 10/644,085  
Filing Date: 08/20/2003  
Examiner: Konata George  
Art Unit: 1616

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, ACRUX DDS PTY LTD, having its principal place of business at 103-113 Stanley Street, West, Melbourne, Victoria 3003, Australia, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application No. 10/644,085, filed 08/20/2003 (the "captioned application"), which is a continuation-in-part of U.S. Patent Application No. 09/910,780 filed 07/24/2001 (now U.S. Patent No. 6,818,226), which is a division of U.S. Patent Application No. 09/125,436 filed 12/18/1998 (now U.S. Patent No. 6,299,900), by virtue of an Assignment filed and recorded in the United States Patent and Trademark Office on September 9, 2004 at Reel/Frame 015115/0171, a copy of which is attached hereto as APPENDIX A.

Petitioner further represents that it is the owner of U.S. Patent No. 6,818,226 (issued from U.S. Patent Application No. 09/910,780); U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017, U.S. Patent Application No. 10/428,018 and U.S. Patent Application No. 10/428,019, by virtue of the Assignment filed and recorded in the United States Patent and

Atty. Dkt. No. 025217-0121

Trademark Office on September 9, 2004 at Reel/Frame 015115/0171, a copy of which is attached hereto as APPENDIX A.

Petitioner further represents that it is the owner of U.S. Patent No. 6,299,900, which issued from U.S. Patent Application No. 09/125,436, filed 12/18/98, by virtue of an Assignment filed and recorded in the United States Patent and Trademark Office on September 10, 2004 at Reel/Frame 015116/0187, a copy of which is attached hereto as APPENDIX B.

Petitioner, ACRUX DDS PTY LTD, hereby disclaims the terminal part of the term of any patent granted on the captioned patent application (U.S. Patent Application No. 10/644,085) which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of each of U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018 and U.S. Patent Application No. 10/428,019, and hereby agrees that any patent so granted on the captioned patent application shall be enforceable only for and during such period that the legal title to each of U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018 and U.S. Patent Application No. 10/428,019 shall be the same as the legal title to any patent granted on the captioned patent application, this agreement to run with any patent granted on the captioned patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the captioned patent application prior to the full statutory term (as defined in 35 U.S.C. §§154-156 and 173) of U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018 and/or U.S. Patent Application No. 10/428,019, in the event that any of U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018

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and/or U.S. Patent Application No. 10/428,019 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154 prior to its full statutory term as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above.

Further, Petitioner does not disclaim any terminal part of a patent granted on the captioned patent application that would extend beyond the present term of any of U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018 and U.S. Patent Application No. 10/428,019, in the event that any such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provision, including but not limited to 35 U.S.C. §§155, 155A or 156, and does not waive Petitioner's right to extend the term of a patent granted on the captioned patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the captioned patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to the captioned patent application and U.S. Patent No. 6,299,900; U.S. Patent No. 6,818,226; U.S. Patent Application No. 10/428,012; U.S. Patent Application No. 10/428,016; U.S. Patent Application No. 10/428,017; U.S. Patent Application No. 10/428,018 and U.S. Patent Application No. 10/428,019 rests with Petitioner, ACRUX DDS PTY LTD.

Atty. Dkt. No. 025217-0121

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the captioned patent application or any patent issuing therefrom.

Respectfully submitted,

Date 22 June 2005By S. A. Bent

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